

AMENDED IN ASSEMBLY APRIL 8, 2003  
AMENDED IN ASSEMBLY MARCH 19, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

**No. 315**

**Introduced by Assembly Member Salinas**

February 7, 2003

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An act to amend Sections 52323, 52324, and 52325 of the Food and Agricultural Code, relating to agriculture, and making an appropriation therefor.

### LEGISLATIVE COUNSEL'S DIGEST

AB 315, as amended, Salinas. California Seed Law: funding.

(1) Existing law, the California Seed Law, requires the Secretary of Food and Agriculture to pay specified sums to counties as a subvention for costs incurred in enforcing that law. *Under existing law, the secretary is required to pay a total annual subvention to counties of 30% of the total assessment received by the secretary, up to \$120,000.* Under existing law, the fees collected pursuant to the California Seed Law are continuously appropriated to the Department of Food and Agriculture to carry out these provisions. ~~Existing~~

*This bill would instead require the secretary to pay a total annual subvention to counties of \$120,000.*

(2) Existing law provides for these provisions to become inoperative on July 1, 2004, and to be repealed as of January 1, 2005.

This bill would extend the inoperative date of those provisions to July 1, 2009, and the repeal date to January 1, 2010. The bill would make an

appropriation by *increasing the subventions in some circumstances and by continuing in effect the subventions until July 1, 2009.*

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 52323 of the Food and Agricultural  
2 Code is amended to read:

3 52323. The department's cost of carrying out this chapter  
4 shall be funded from money that is received by the secretary  
5 pursuant to this chapter. The secretary shall also pay annually, in  
6 ~~arrears, 30 percent of the total assessment received pursuant to~~  
7 ~~Section 52354 up to one hundred twenty thousand~~ *arrears, one*  
8 *hundred twenty thousand* dollars (\$120,000), to counties as an  
9 annual subvention for costs incurred in the enforcement of this  
10 chapter. The department's costs of administering this chapter shall  
11 be paid before allocating funds to the counties under this section.

12 This section shall become inoperative on July 1, 2009, and as of  
13 January 1, 2010, is repealed, unless a later enacted statute, which  
14 becomes effective on or before January 1, 2010, deletes or extends  
15 the dates on which it becomes inoperative and is repealed.

16 SEC. 2. Section 52324 of the Food and Agricultural Code is  
17 amended to read:

18 52324. The subvention program under Section 52323 is an  
19 optional program available to counties. The subvention to counties  
20 under Section 52323 shall be annually apportioned as follows:

21 (a) Counties with no registered seed labelers shall annually  
22 receive one hundred dollars (\$100).

23 (b) Counties with registered seed labeler operations shall  
24 receive subventions based upon units of enforcement activity  
25 generated by the registered seed labeler operations within the  
26 county and upon the performance of enforcement activities  
27 necessary to carry out this chapter. The units of activity shall be  
28 determined by the secretary, taking into consideration the number  
29 of lots and kinds of seed labeled by each registered seed labeler  
30 operation within the county. The rate per unit of activity shall be  
31 established by dividing the total statewide units of activity into the  
32 annual funds available to the counties under Section 52323 after  
33 deducting the amount required for subventions in subdivision (a).



1 Apportionment to individual counties shall be based upon the  
2 county's total units of activity performed times the established  
3 rate. In no case shall a county receive less than one hundred dollars  
4 (\$100).

5 This section shall become inoperative on July 1, 2009, and as of  
6 January 1, 2010, is repealed, unless a later enacted statute, which  
7 becomes effective on or before January 1, 2010, deletes or extends  
8 the dates on which it becomes inoperative and is repealed.

9 SEC. 3. Section 52325 of the Food and Agricultural Code is  
10 amended to read:

11 52325. (a) Commissioners of counties that choose to  
12 participate in the subvention program shall enter into a cooperative  
13 agreement with the secretary, whereby the commissioner agrees to  
14 maintain a statewide compliance level, determined by the  
15 secretary, on all seed within the county. The cooperative  
16 agreement shall be in effect for a five-year period. The units of  
17 activity and apportionment calculated under subdivision (b) of  
18 Section 52324 to each individual participating county shall be  
19 established annually in a memorandum of understanding between  
20 the commissioner and the director.

21 (b) The secretary, upon recommendation of the board or upon  
22 the secretary's own initiative, may withhold a portion of the funds  
23 designated to a county pursuant to subdivision (b) of Section  
24 52324 if that county fails to meet the performance standards  
25 established by the secretary and set forth in the cooperative  
26 agreement with that county.

27 (c) The secretary shall provide a written justification to the  
28 board for any action taken by the secretary that does not fully  
29 implement a recommendation made by the board pursuant to  
30 subdivision (b).

31 (d) This section shall become inoperative on July 1, 2009, and  
32 as of January 1, 2010, is repealed, unless a later enacted statute,  
33 which becomes effective on or before January 1, 2010, deletes or  
34 extends the dates on which it becomes inoperative and is repealed.

